

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 25, 2007

The Marlboro Township Council held its regularly scheduled meeting on January 25, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of December 7 & 18, 2006, be approved. This motion was seconded by Council Vice President Rosenthal and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council President Cantor opened the Public Hearing on Ordinance # 2007-1 (Amending Commuter Parking Fees). As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2007-44/Ord. # 2007-1 (Amending

Commuter Parking Fees) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-44

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-1

AN ORDINANCE AMENDING SECTION (C)1 "FEES", OF SECTION 103-4, ARTICLE I "COMMUTER PARKING AREAS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on January 4, 2007, public hearing held January 25th be adopted on second and final reading this 25th day of January, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Councilwoman Morelli opened the Public Hearing on Ordinance # 2007-3 (Authorizing Acquisition of Land). As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2007-45/Ord. # 2007-3 (Authorizing Acquisition of Land) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-45

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-3

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO PURCHASE THE PROPERTY LOCATED AT 364 PLEASANT VALLEY ROAD, MORGANVILLE, BLOCK 155, LOT 13.03 and 13.03Q FOR PUBLIC PURPOSES

which was introduced on January 4, 2007, public hearing held January 25, 2007, be adopted on second and final reading this 25th day of January, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2007-46/Ord. # 2007-2 (Recreation Fees 2007) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni. After discussion, Council agreed to omit the fees for Summer and Travel Camp. The resolution/ordinance as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-46

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-2 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117
"RECREATIONAL FACILITIES" OF THE CODE OF THE
TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on February 15, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-2 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117
"RECREATIONAL FACILITIES" OF THE CODE OF THE
TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro Recreation Commission is currently required to establish fees for all recreational programs established by the Recreation Commission and the Township Council is currently required to authorize such fees on an annual basis; and

WHEREAS, pursuant to this Ordinance, the Township Council and the Recreation Commission desire to adopt the following fees, thereby amending Chapter 117 "Recreational Facilities" of the Code of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Section 117-2 "Schedule of fees for recreational programs" of Chapter 117 "Recreational Facilities" of the Code of the Township of Marlboro be and hereby is amended in its entirety to state as follows:

"§ 117-2 Recreation program fees.

The following fees are hereby established for those programs offered by the Recreation Commission:

- A. Basketball Program - All Grades - Not to exceed \$100.00
- B. Soccer Program - All Grades - Not to exceed \$175.00
- C. Wrestling Program - All Grades - Not to exceed \$100.00
- D. Theater Camp - Not to exceed \$400.00
- E. Open Gym - Youth - Not to exceed \$75.00
- F. Open Gym - Adult - Not to exceed \$75.00
- G. Passive Youth - Not to exceed \$200.00
- H. Passive Adult - Not to exceed \$200.00
- I. Special Needs Programs - Not to exceed \$100.00
- J. Seasonal Event Activities - Not to exceed \$100.00
- K. Private Contracted Programs - Not to exceed \$25.00
- L. Senior Citizen Activities - Not to exceed \$150.00
- M. Teen Activities - Not to exceed \$100.00
- N. Preschool - Not to exceed \$300.00
- O. Aqua Camp - Not to exceed \$175.00
- P. Tennis Program - Not to exceed \$50.00"

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-47/Ord. # 2007-4 (Amend Chapter 84 - Height of Buildings) was moved to a future agenda.

The following Res. # 2007-48 (Authorizing Professional Services Contract - Employee Assistance Program - Mark White Police Dept.) was introduced by reference, offered by Council President Cantor, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-48

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN MARK WHITE, Ph.D., P.A., LICENSED PSYCHOLOGIST AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE PROGRAM FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of psychological referral services through an employee assistance program for the Township of Marlboro Police Department; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Mark White, Ph.D., P.A. has submitted the attached proposal (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for a contractual retainer of \$3,500.00 and a fee-for-service charge of \$125.00 per hour for Supervisor-Imposed mandated referrals; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Mark White, Ph.D., P.A. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for

public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Mark White, Ph.D., P.A. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number 7-01- -106-286.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mark White, Ph.D., P.A.
- b. Township Police Department
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-49 (Authorizing Professional Services Contract - Employee Assistance Program - Mark White Non-Police Employees) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragani and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-49

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN
MARK WHITE, Ph.D., P.A., LICENSED PSYCHOLOGIST AND THE
TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL
REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE PROGRAM
FOR NON-POLICE EMPLOYEES OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of psychological referral services through an Employee Assistance Program for the non-police employees of the Township of Marlboro; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Mark White, Ph.D., P.A. has submitted the attached proposal dated December 20, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for a contractual retainer of \$4,000.00 and a fee-for-service charge of \$125.00 per hour for Supervisor-Imposed mandated referrals; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Mark White, Ph.D., P.A. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Mark White, Ph.D., P.A. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01- -100-288.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mark White, Ph.D., P.A.

- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-50 (Authorizing Professional Services Contract - Birdsall - Stormwater Permit Compliance) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-50

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES TO PROVIDE STORMWATER PERMIT COMPLIANCE TASKS IN CONNECTION WITH THE TIER A MUNICIPAL STORMWATER GENERAL PERMIT

WHEREAS, the Township of Marlboro is in need of engineering services to provide stormwater permit compliance tasks in connection with the Tier A Municipal Stormwater General Permit; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated December 20, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$6,600.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided

that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-16-58-856-806.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
611 Industrial Way West
Eatontown, NJ 07724-2213
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-51 (Authorizing Professional Services Contract - Gary Shapiro, Esq., - Attorney for Ethics Board) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-51

A RESOLUTION CONSENTING TO THE APPOINTMENT OF
GARY SHAPIRO, ESQ. OF SHAPIRO & STERNLIEB, LLC AS THE
ATTORNEY FOR THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, the Mayor has appointed Gary Shapiro, Esq. of Shapiro & Sternlieb, LLC as the attorney for the Marlboro Township Ethics Board for a term of one-year; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council now desires to consent to the appointment Gary Shapiro, Esq. of Shapiro & Sternlieb, LLC as the attorney for the Marlboro Township Ethics Board.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro hereby consents to the appointment of Gary Shapiro, Esq. of Shapiro & Sternlieb, LLC as the attorney for the Marlboro Township Ethics Board and authorizes the Mayor to enter into a contract between the Township of Marlboro and Gary Shapiro, Esq. of Shapiro & Sternlieb, LLC in a form legally acceptable to the Township Attorney, for the provision of the necessary professional services to the Marlboro Township Ethics Board for an amount not to exceed \$3,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01- -050-286;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Gary Shapiro, Esq.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-52 (Award of Bid - Emergency Generator Mechanic's Shop) was introduced by reference, offered

by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-52

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR PROVISION AND INSTALLATION OF ONE (1) EMERGENCY
GENERATOR AND RELATED CONTROLS FOR THE
MARLBORO TOWNSHIP PUBLIC WORKS GARAGE

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for provision and installation of one (1) emergency generator and related controls for the Marlboro Township Public Works garage; and

WHEREAS, the Township received nine (9) bids from the following vendors in the following amounts:

- A. Altec Building Systems Corporation
904 Atlantic Avenue
Pt. Pleasant, NJ 08742
Base Bid Item: \$116,000.00
Alternate E1: \$ 10,000.00
Alternate E1A: \$ 8,000.00
Alternate E2: \$ 4,400.00
Alternate E3: \$ 4,500.00
Alternate E4: \$ 9,500.00
Total Amount: \$152,400.00

- B. J.M. Construction Co., Inc.
131 Harrison Avenue
Roseland, NJ 07068
Base Bid Item: \$138,000.00
Alternate E1: \$ 14,300.00
Alternate E1A: \$ 10,000.00
Alternate E2: \$ 10,400.00
Alternate E3: \$ 4,160.00
Alternate E4: \$ 1,950.00 per equipment price
Total Amount: \$175,310.00

- C. Sodon's Electric Inc.
25 West Highland Avenue
Atlantic Highlands, NJ 07716
Base Bid Item: \$149,000.00
Alternate E1: \$ 18,500.00
Alternate E1A: \$ 14,700.00
Alternate E2: \$ 3,500.00

Alternate E3: \$ 2,000.00
Alternate E4: \$ 2,500.00
Total Amount: \$190,200.00

D. C.B. Electric, Inc.
88 West 39th Street
Bayonne, NJ 07002
Base Bid Item: \$150,265
Alternate E1: \$ 19,360.00
Alternate E1A: \$ 14,125.00
Alternate E2: \$ 2,800.00
Alternate E3: \$ 18,350.00
Alternate E4: \$ 750.00
Total Amount: \$205,650.00

E. RJR Engineering Co., Inc.
105 Guinea Hollow Road
Califon, NJ 07830
Base Bid Item: \$173,791.00
Alternate E1: \$ 15,500.00
Alternate E1A: \$ 9,980.00
Alternate E2: \$ 3,200.00
Alternate E3: \$ 7,300.00
Alternate E4: \$ 9,600.00
Total Amount: \$219,371.00

F. Manor II Electric, Inc.
93 Spruce Road
Fairhaven, NJ 07704
Base Bid Item: \$171,600.00
Alternate E1: \$ 25,000.00
Alternate E1A: \$ 13,000.00
Alternate E2: \$ 5,000.00
Alternate E3: \$ 4,000.00
Alternate E4: \$ 10,000.00
Total Amount: \$228,600.00

G. Electro Maintenance Inc.
5133 W. Hurley Pond Road, Building 3
Farmingdale, NJ 07727
Base Bid Item: \$175,411.00
Alternate E1: \$ 18,624.00
Alternate E1A: \$ 14,488.00
Alternate E2: \$ 4,872.00
Alternate E3: \$ 9,684.00
Alternate E4: \$ 20,000.00
Total Amount: \$243,079.00

- H. Lake Electric, Inc.
1565 Rt. 37 West, unit 13
Toms River, NJ 08755
Base Bid Item: \$178,780.00
Alternate E1: \$ 34,350.00
Alternate E1A: \$ 28,900.00
Alternate E2: \$ 925.00
Alternate E3: \$ 7,845.00
Alternate E4: \$ 3,400.00
Total Amount: \$254,200.00
- I. Startlite Electric
200 South Avenue, Suite #5
Middlesex, NJ 08846
Base Bid Item: \$296,855.00
Alternate E1: \$ 32,000.00
Alternate E1A: \$ (left blank)
Alternate E2: \$ 5,500.00
Alternate E3: \$ 2,500.00
Alternate E4: \$ 3,500.00
Total Amount: \$340,355.00

WHEREAS, the Administration and the Township Attorney recommend that the contract be awarded to Altec Building Systems Corporation as the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Altec Building Systems Corporation, for provision and installation of one (1) emergency generator and related controls for the Marlboro Township Public Works garage.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for provision and installation of one (1) emergency generator and related controls for the Marlboro Township Public Works garage be and hereby is awarded to Altec Building Systems Corporation, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Altec Building Systems Corporation for provision and installation of one (1) emergency generator and related controls for the Marlboro Township Public Works garage in an

amount not to exceed \$152,400.00, and in accordance with the bid proposal submitted by Altec Building Systems Corporation; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-955-903 in the amount of \$129,350.00 and in Account Number X-04-55-959-955 in the amount of \$23,050.00; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Altec Building Systems Corporation
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-53 (Designating Custodian for Marlboro Township Police Department Records) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-53

A RESOLUTION DESIGNATING A CUSTODIAN FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT RECORDS

WHEREAS, to ensure public access to government records in accordance with the provisions of N.J.S.A. 47:1A-1, et seq., the Township of Marlboro wishes to designate Lt. Nicholas Barbella as the custodian of the Marlboro Township Police Department records; and

WHEREAS, the Marlboro Township Police Department supports the designation of Lt. Nicholas Barbella as custodian of its records.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Lt. Nicholas Barbella is hereby designated as custodian of the Marlboro Township Police Department records; and

BE IT FURTHER RESOLVED, that a certified copy of this

Resolution shall be provided to each of the following:

- a. Chief of the Marlboro Township Police Department
- b. Business Administrator
- c. Gluck Walrath, LLP

The following Res. # 2007-54 (Amended Temporary Budget) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-54

RESOLUTION TO AMEND TEMPORARY BUDGET
CALENDAR YEAR 2007

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year, and

WHEREAS, appropriations are to provide for the period for the first three months of the new fiscal year, and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding appropriations made for interest and debt redemption charges and capital improvement fund, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for Calendar Year 2006 is six million seven hundred hundred and ninety thousand one hundred forth-five dollars and seventy-five cents (\$6,790,145.75), and swim utility budget two hundred fifty-one thousand seven hundred twelve dollars and fifty cents (\$251,712.50).

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of Calendar Year 2007 according to the schedule attached hereto and a made a part hereof, and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

Amended

Current Fund	2006 Operating Budget	2007 Temporary Budget
Administration (30)		
Salary & Wages	227,500.00	56,875.00
Other Expenses	57,460.00	14,365.00
Office of the Mayor (10)		
Salary & Wages	60,000.00	15,000.00
Other Expenses	5,700.00	1,425.00
Ethics Commission		
Salary & Wages	0.00	0.00
Other Expenses	8,000.00	2,000.00
Township Council (21)		
Salary & Wages	18,000.00	4,500.00
Other Expenses	8,000.00	2,000.00
Public Information		
Salary & Wages	10,500.00	2,625.00
Other Expenses	38,600.00	9,650.00
Municipal Clerk (20)		
Salary & Wages	180,000.00	45,000.00
Other Expenses	67,800.00	16,950.00
Finance		
Salary & Wages	222,500.00	55,625.00
Other Expenses	32,000.00	8,000.00
Annual Audit	47,500.00	0.00
Central Computer Services		
Salary & Wages	30,000.00	7,500.00
Other Expenses	27,740.00	6,935.00
Tax Collector		
Salary & Wages	215,000.00	53,750.00
Other Expenses	33,750.00	8,437.50
Tax Assessor		
Salary & Wages	190,000.00	47,500.00
Other Expenses	96,750.00	24,187.50
Legal Services		
Other Expenses	460,000.00	115,000.00
Engineering Services		

Salary & Wages	283,000.00	70,750.00
Other Expenses	120,000.00	50,000.00
Economic Development		
Salary & Wages		
Other Expenses	500.00	0.00
Community Relations		
Other Expenses	0.00	0.00
Inter- Governmental Relations		
Other Expenses	1,000.00	0.00
Homeland Security		
Salary & Wages	45,000.00	11,250.00
Other Expenses	48,500.00	12,125.00
Historic Sites Commission		
Other Expenses	3,000.00	750.00
Planning Board		
Salary & Wages	70,000.00	17,500.00
Other Expenses	32,800.00	8,200.00
Planning Board Contractual		
Other Expenses	43,380.00	10,845.00
Zoning Board		
Salary & Wages	147,000.00	36,750.00
Other Expenses	45,800.00	11,450.00
Liability Insurance	399,500.00	200,000.00
Workers Comp	380,000.00	280,000.00
Group Insurance	2,445,900.00	611,475.00
Unemployment Insurance	10,000.00	2,500.00
Police		
Salary & Wages	7,490,000.00	1,872,500.00
Other Expenses	364,250.00	91,062.50
Crime Prevention		
Other Expenses	36,535.00	9,133.75
DARE Program		
Other Expenses	15,000.00	3,750.00
Highway Safety		

Other Expenses	32,400.00	8,100.00
Emergency Management		
Salary & Wages	20,000.00	5,000.00
Other Expenses	16,350.00	4,087.50
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	130,000.00	32,500.00
Other Expenses	16,428.00	4,107.00
Municipal Prosecutors Office		
Salary & Wages	31,200.00	7,800.00
Streets and Road Maint		
Salary & Wages	1,385,000.00	346,250.00
Other Expenses	45,720.00	11,430.00
Snow Removal		
Salary & Wages	75,000.00	18,750.00
Other Expenses	366,780.00	91,695.00
Public Works – Other		
Salary & Wages	330,000.00	82,500.00
Other Expenses	61,270.00	15,317.50
Shade Tree Commission		
Salary & Wages	2,000.00	500.00
Other Expenses	2,000.00	500.00
Solid Waste Collection		
Salary & Wages	25,000.00	6,250.00
Other Expenses	642,900.00	160,725.00
Buildings & Grounds		
Salary & Wages	527,500.00	131,875.00
Other Expenses	155,400.00	38,850.00
Vehicle Maintenance		
Salary & Wages	528,000.00	132,000.00
Other Expenses	114,550.00	28,637.50
Community Services Act		
Other Expenses	100,000.00	25,000.00
Open space Committee		
Salary & Wages	4,200.00	1,050.00

Public Health Services – Registrar		
Salary & Wages	6,500.00	1,625.00
Other Expenses	1,900.00	475.00
Drug Abuse Control		
Other Expenses	11,550.00	2,887.50
Environmental Health Services		
Salary & Wages		
Other Expenses	8,000.00	2,000.00
Animal Control Services		
Other Expenses	40,000.00	20,000.00
Recreation		
Salary & Wages	405,000.00	101,250.00
Other Expenses	136,100.00	34,025.00
Teen Program		
Salary & Wages	0.00	0.00
Other Expenses	15,000.00	3,750.00
Summer Youth Activities		
Salary & Wages	0.00	0.00
Other Expenses	7,000.00	1,750.00
Park Maintenance		
Salary & Wages	415,000.00	103,750.00
Other Expenses	28,930.00	7,232.50
Municipal Library		
Other Expenses	18,000.00	4,500.00
Little League		
Other Expenses	0.00	0.00
Pop Warner		
Other Expenses	0.00	0.00
Prior Year Bills	39,319.21	6,650.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	14,583.47	0.00
Postage		
Other Expenses	53,000.00	13,250.00
Electricity	290,400.00	72,600.00

Street Lighting	562,500.00	140,625.00
Telephone	123,600.00	30,900.00
Water	15,600.00	3,900.00
Natural Gas	80,000.00	20,000.00
Sewer	7,500.00	1,875.00
Gasoline	385,000.00	96,250.00
Landfill Disposal Costs	250,000.00	62,500.00
PERS	133,000.00	0.00
FICA	950,000.00	237,500.00
Municipal Court		
Salary & Wages	310,000.00	77,500.00
Other Expenses	126,600.00	31,650.00
Public Defender		
Salary & Wages		
Other Expenses	17,000.00	4,250.00
Affordable Housing		
Salary & Wages	9,000.00	2,250.00
Other Expenses	4,700.00	1,175.00
Police Dispatch 911		
Salary & Wages	575,000.00	143,750.00
Other Expenses	224,480.00	56,120.00
LOSAP		
Other Expenses	75,000.00	0.00
PFRS		
Other Expenses	617,500.00	0.00
Library County Contract		
Other Expenses	5,500.00	0.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	32,713.86	0.00
Monmouth Drug & Alcohol Grant Share	33,095.00	0.00

Local Share	8,273.75	0.00
Recycling tonnage Grant	15,913.00	0.00
Child Passenger Safety	0.00	0.00
Body Armor Grant	6,694.65	0.00
StormWater Regulation Grant	15,464.00	0.00
Developer Contributions - Park Imps	255,000.00	0.00
Click It or Ticket	4,000.00	0.00
NJDOT Safe Streets	40,000.00	0.00
Matching Funds for Grants	11,366.00	0.00
Secure Our Schools Grant		
Grant Share	131,307.50	0.00
Local Match	131,307.50	0.00
Drunk Driving Enforcement		
S&W	7,307.76	0.00
Handicapped Rec Opportunities Grant		
Grant Share	4,910.00	0.00
Local Share	0.00	
Capital Improvement Fund		
Other Expenses	0.00	0.00
Union Hill Parking Lot Improvements		75,000.00
Bond Principal	1,696,000.00	400,000.00
Bond Interest	795,750.00	30,000.00
Note Interest	117,000.00	0.00
Green Acres Trust - P & I	28,865.00	28,865.00
Capital Lease program		
Principal	450,000.00	0.00
Interest	72,000.00	20,000.00
Emergency Authorizations	105,000.00	0.00
Deferred Charges	0.00	0.00

Reserve for Uncollected Taxes	1,700,000.00	0.00
Totals	30,329,122.70	6,790,145.75
Swim Utility	2006 Operating Budget	2006 Temporary Budget
Salary & Wages	444,000.00	111,000.00
Other Expenses	454,300.00	100,000.00
Capital Outlay	120,000.00	30,000.00
Payment of Bond Principal	10,000.00	10,000.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,700.00	712.50
Payment of Note Principal		
Public Employees Retirement System FICA		
Unemployment		
Totals	1,030,000.00	251,712.50

The following Res. # 2007-55 (Cancelling Homeland Rebuilding Grant - \$40,000) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-055

WHEREAS, a grant entitled "Homeland Rebuilding Grant" for \$40,000 was placed on the books of the Township of Marlboro, Monmouth County, State of New Jersey through a Chapter 159 resolution in December 2004, and

WHEREAS, the grant was to process monies to be received from and expended to a company called Cartigraph for the purchase of it's software, with an additional 50% match by the Township, and

WHEREAS, the invoices received by the Township of Marlboro were only for the Townships portion of payment which were made through the StormWater Management Account, and

WHEREAS, both the anticipated revenue and the appropriated reserve remaining on the financial records of the Township of Marlboro, Monmouth County, State of New Jersey will not be utilized and therefore is no longer needed,

NOW, THEREFORE, BE IT RESOLVED that both the receivable and appropriated reserve entitled "Homeland Rebuilding Grant" be hereby cancelled in the amount of \$40,000.00.

The following Res. # 2007-65 (Budget Transfers) was introduced by reference, offered by Council President Cantor, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-65

RESOLUTION AUTHORIZING TRANSFER
OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2006 Municipal Budget) as follow:

From:

Police S&W	\$15,000.00
Street Lighting	8,000.00

To:

Police OE	\$10,000.00
Planning OE	4,500.00
Zoning OE	500.00
Telephone OE	8,000.00

Totals	\$23,000.00	\$23,000.00
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As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor: Res. #2007-56 (Change Order No. 1 - Union Hill Park - Soccer Irrigation Systems), Res. #2007-57 (Authorization to Bid - Highway Marking Machine), Res. #2007-58 (Award of Contract - Pre-mix Rock Salt), Res. #2007-59 (Redemption Tax Sale Cert. B. 300, L. 79), Res. #2007-60 (Tax Court Judgment Refund B. 225, L. 232), Res. #2007-61 (Refund to WMUA B. 300, L. 79), Res. #2007-62 (Senior Citizen Deduction B. 412, L. 307 C0055), Res. #2007-63 (Veteran Deduction B. 167, L. C0561).

RESOLUTION # 2007-56

A RESOLUTION AMENDING RESOLUTIONS #2006-73 and #2006-46
AUTHORIZING THE AWARD OF A CONTRACT TO GOWER'S, INC. TO
INSTALL IRRIGATION SYSTEMS AT THE UNION HILL PARK AND
MARLBORO SOCCER COMPLEX IN THE TOWNSHIP OF MARLBORO AND
APPROVING CHANGE ORDER NO. 1 FOR SUPPLEMENTAL WORK

WHEREAS, by Resolution #2006-46, the Township Council authorized the award of a contract to Gower's, Inc. to install irrigation systems at the Union Hill Park and Marlboro Soccer Complex for an amount not to exceed \$134,500.00 (the "Contract"); and

WHEREAS, by Resolution #2006-73, the Township Council amended the Contract to add both the "Alternate A" and "Alternate B" items set forth in the bid specifications and increased the total amount of the Contract to an amount not to exceed \$180,800.00, in accordance with the bid proposal submitted by Gower's, Inc.; and

WHEREAS, while performing the Contract, Gowers, Inc. discovered that supplemental repairs were required to the existing blow-off valve on the main at Marlboro Soccer Complex as well as to the unmarked electric wiring at Union Hill Park; and

WHEREAS, Gowers, Inc. notified the Township Engineer of the need for these repairs and provided a description and price for the supplemental items which was accepted by the Township Engineer; and

WHEREAS, the Township Engineer found the repairs to be justified in his Memorandum dated January 8, 2007 and requested that a Change Order be approved.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Resolution #2006-46 and #2006-73 are amended to include Change Order No. 1 in the total amount of \$2,550.00 which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Contract should be amended to include Change Order No. 1, for a total Contract amount of \$183,350.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for the Contract, which is attached hereto, and that sufficient funds were, and continue to be, available for said Contract, including Alternate "A" and Alternate "B" items and Change Order No. 1, from Account Numbers BOX04-55-944-906, BOX04-59-955-918, BOX04-55-950-914 and BOX04-55-950-915; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Gower's, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

RESOLUTION # 2007-57

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Highway Marking Machine

RESOLUTION # 2007-58

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR THE PROVISION OF PRE-MIXED ROCK SALT SODIUM
CHLORIDE/CALCIUM CHLORIDE THROUGH THE WESTERN MONMOUTH
PURCHASING GROUP TO MARLBORO TOWNSHIP

WHEREAS, The Western Monmouth Purchasing Group (the "Group"), a registered cooperative pricing system, created by which the Township of Freehold, Township of Manalapan, Township of Marlboro, and the Borough of Freehold participate amongst themselves in the process of public bidding; and

WHEREAS, Freehold Borough, the Lead Agency, solicited for bids for the materials, services or equipment for the provision of various streets and roads materials, including pre-mixed rock salt sodium chloride/calcium chloride, with the objective of maximizing the price for all participants; and

WHEREAS, the Group received six (6) bids for various materials from the following vendors:

- A. R.W.V. Land & Livestock South, Inc.
351 Pfister Road
Jackson, NJ 08527
- B. Yardville Supply Company
P.O. Box 8427
Trenton, NJ 08650
- C. The Walter R. Earle Corporation
P.O. Drawer 757
Farmingdale, NJ 07727
- D. Stavola Asphalt Company, Inc.
P.O. Box 482
Red Bank, NJ 07701
- E. A.E. Stone, Inc.
1435 Doughty Road
Egg Harbor Township, NJ 08234
- F. Trap Rock Industries, Inc.
P.O. Box 419
Kingston, NJ 08528; and

WHEREAS, Yardville Supply Company was the only vendor to submit a bid for the provision of pre-mixed rock salt sodium

chloride/calcium chloride and therefore was the lowest legally compliant bidder; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed said bids and recommend that contract for the provision of pre-mixed rock salt sodium chloride/calcium chloride be awarded to Yardville Supply Company as the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Yardville Supply Company, for the provision of pre-mixed rock salt sodium chloride/calcium chloride for the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, in accordance with the aforementioned recommendations that the contract for the provision of pre-mixed rock salt sodium chloride/calcium chloride for the Township of Marlboro be and hereby is awarded to Yardville Supply Company for the provision of 1,000 tons of pre-mixed rock salt sodium chloride/calcium chloride; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a contract for one year, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Yardville Supply Company for provision of pre-mixed rock salt sodium chloride/calcium chloride for the Township of Marlboro in an amount not to exceed \$81,000.00, and in accordance with the bid proposal submitted by Yardville Supply Company; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for these contracts, which are attached hereto, and that sufficient funds are available for said contracts from Account Number 07-119-275; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Yardville Supply Company
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

RESOLUTION # 2007-59

WHEREAS, Tax Sale Certificate #06-39 for Block 300 Lot 79, assessed to Mary Lee Hale, located at

239 Yellowknife Road, has been redeemed in the amount of \$29,034.80,

WHEREAS, the holder of the above-mentioned tax sale certificate, Elliot Loeb - Keogh Plan, is entitled to the amount of the sale plus interest and costs totaling \$29,034.80,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$29,034.80 be refunded to the holder of said certificate as above.

RESOLUTION # 2007-60

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$3,164.11 for the year 2006 for Block 225 Lot 232, located at 33 North Main Street, assessed to Vito Carissimo & Louis J. Aiese,

WHEREAS, the 2006 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$3,164.11,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,164.11 to Vito Carissimo, Louis Aiese and The Irwin Law Firm, P.A.

RESOLUTION # 2007-61

WHEREAS, current sewer charges in the amount of \$116.22 for Block 300 Lot 79, located at 239 Yellowknife Road, assessed to Mary Lee Hale, have been paid by Elliot Loeb-Keogh Plan, lienholder of the Tax Sale Certificate #06-39 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$116.22 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2007-62

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2006 for Block 412 Lot 307 C0055, located on 55 Thrasher Court, assessed to Marco Lupo,

WHEREAS, taxes for the year 2006 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to above-mentioned taxpayer.

RESOLUTION # 2007-63

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2006 for Block 178 Lot 2 C0561, located on 561 Manchester Place, assessed to Robert Weislogel,

WHEREAS, taxes for the year 2006 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to the above-mentioned taxpayers.

At 9:30PM, Council Vice President Rosenthal moved that the meeting go into executive session for reason of discussing litigation and property acquisition. This was seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 10:00PM.

RESOLUTION # 2007-64

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 25th day of January, 2007 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation and property acquisition.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:10PM, Councilman Pernice moved that the meeting be adjourned. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

NAYS: 0

JEFF CANTOR
COUNCIL PRESIDENT